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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,866	11/26/2002	Muthuvelan Varadharajulu	129716	3390
23446	7590	02/02/2004	EXAMINER	
MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,866

Applicant(s)

VARADHARAJULU ET AL.

Examiner

Robert G. Santos

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2002 and on 03 December 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-7,9-11,13-18 and 20-25 is/are rejected.
- 7) ☒ Claim(s) 3,4,8,12 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 5. 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 6 and 17 are objected to because of the following informalities: In claim 6, line 2 and in claim 17, line 3: The term “based” should be changed to --base--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 17, and 22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Pfleger ‘356 (note especially Figures 1-3 & 5; column 1, lines 44-50 & 58-60; column 2, lines 12-68; column 3, lines 1-12 & 15-68; column 4; and column 5, lines 1-41).

4. Claims 1, 6, 9, 10, 17, and 20-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Sicek et al. ‘018 (note especially Figures 1-3, 5, & 6; column 1, lines 26-35, 41-49, & 58-62; column 2, lines 27-66; column 3, lines 8-29; and column 4, lines 1-3).

5. Claims 1, 2, 5, 6, 9-11, 13, 15-17, and 20-25 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Nonaka et al. ‘760 (note especially Figures 2-6 & 10-13; column 5, lines

Art Unit: 3673

36-46 & 51-67; column 6, lines 1-6, 11-20, 23-29, 35-40, & 52-62; column 7, lines 4-13; column 8, lines 1-45 & 58-63; column 9, lines 7-28 & 32-67; column 10, lines 1-30 & 34-67; column 11; column 12; and column 13, lines 1-21).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonaka et al. '760 in view of Velazquez '571. Nonaka et al. '760 do not specifically disclose the use of patient restraints. Velazquez '571 provides the basic teaching of a patient positioning system (10) provided with patient restraints (12, 14) to minimize body motion of a patient during an imaging procedure "so as to ensure high image quality" (see Velazquez '571, column 1, lines 11-21, 27-34, & 44-47). Since it would be advantageous to collect data having good image quality during a routine patient imaging procedure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the patient positioning system of Nonaka et al. '760 to include patient restraints as taught by Velazquez '571.

Art Unit: 3673

Allowable Subject Matter

8. Claims 3, 4, 8, 12, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Muthuvelan '279, Schwaegerle '383, Danby et al. '973, Meyer et al. '599, Erbel et al. '986, Kosugi '708, Damadian '695, Meek '779, Boomgaarden et al. '429, Harrawood et al. '453, Siczek et al. '292, Mueller et al. '500, Hogan '439, Koerner '500, and Wathelet '910.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tu-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Application/Control Number: 10/065,866
Art Unit: 3673

Page 5


Robert G. Santos
Primary Examiner
Art Unit 3673

January 25, 2004
R.S.